

# **EXHIBIT 2**

## **Part 1 of 3**

# United States District Court

DISTRICT OF OREGON

FILED 04 FEB 13 10 36 AM '09

In the Matter of the Search of  
(Name, address or brief description of person, property or premises to be searched)

One story residential building located at  
3800 S. Highway 99 in Ashland, Oregon.

APPLICATION AND AFFIDAVIT

CASE NUMBER: 04-4009-1

I, Colleen Anderson, being duly sworn depose and say:

I am a Special Agent, Internal Revenue Service, Criminal Investigation, and have reason to believe  
that \_\_\_\_\_ on the person of or XX on the property or premises known as (description):  
3800 S. Highway 99 in Ashland, Oregon, further described in Attachment A,

in the District of Oregon; there is now concealed a certain person or property, namely:  
fruits, evidence and instrumentalities of crimes against the United States, further described in Attachment B,  
concerning a violation of Title 26, United States Code, Section(s) 7206(1) and Title 31, U.S.C. § 5324.

The facts to support a finding of Probable Cause are as follows:

See Attached Affidavit of Special Agent Colleen Anderson incorporated by reference as if fully reset forth herein.

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Colleen Anderson

Signature of Affiant

Sworn to before me, and subscribed in my presence

2/13/04

John P. Cooney  
Signature of Judicial Officer

at

Medford, Oregon  
City and State

John P. Cooney, U.S. Magistrate Judge

Name and Title of Judicial Officer

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

In re: 3800 S. Highway 99  
Ashland, OR 97520

) Affidavit in Support of an  
) Application for Search Warrant

I, Colleen Anderson, being duly sworn, depose and say:

1. I am a Special Agent with the Internal Revenue Service - Criminal Investigation, assigned to the Medford, Oregon Post-of-Duty. As a Special Agent, I investigate possible violations of the Internal Revenue Code (Title 26, United States Code), the Money Laundering Control Act (Title 18, United States Code), and the Bank Secrecy Act (Title 31, United States Code).

2. This affidavit is in support of a search warrant application for 3800 S. Highway 99 in Ashland, Oregon. A detailed description of these premises is attached hereto and incorporated herein as Attachment A. The affidavit will show there is probable cause to believe criminal violations of Currency and Monetary Instrument reporting requirements and Internal Revenue Laws have been committed by two officers of the Al Haramain Islamic Foundation, Inc. in Ashland, Oregon and evidence of these violations, as detailed in Attachment B, attached hereto and incorporated herein, is presently located at 3800 S. Highway 99 in Ashland, Oregon.

3. I make this affidavit based on my participation in this joint investigation, as well as information I have received from other members of the joint investigation, including the Federal Bureau of Investigation (FBI), the U.S. Immigration and Customs Enforcement

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(ICE), and other Internal Revenue Service personnel.

4. I have been a Special Agent with IRS-CI since December 1995 and have conducted and assisted in numerous criminal investigations involving violations of federal tax laws, money laundering laws, and other related offenses where I have gained experience in locating, tracing, and corroborating financial information pertaining to the receipt and disposition of funds. I also have a B.S. degree in Accounting.

#### INTRODUCTION

5. This affidavit will first establish that there is probable cause to believe Soliman ALBUTHE, a citizen of Saudi Arabia, traveled to Oregon in March of 2000 and obtained approximately \$130,000 in traveler's checks. Soon after obtaining the traveler's checks, ALBUTHE departed the United States (U.S.) with those traveler's checks, without declaring them on a Currency Monetary Instrument Report, as required by U.S. law, in violation of Title 31, United States Code, §5324.

6. This affidavit will then establish that there is probable cause to believe that Pirouz SEDAGHATY (a.k.a Pete SEDA), a U.S. citizen, established a tax exempt charitable organization in the U.S. known as the Al Haramain Islamic Foundation, Inc., and that he knowingly filed a materially false informational tax return on behalf of the organization, in violation of Title 26, United States Code, §7206(1).

7. To prove this tax violation, this affidavit will show that the Al Haramain Islamic Foundation, Inc.'s 2000 tax return was false in that some funds received by the organization in 2000 were omitted from the return and that the utilization of certain funds received by the organization were mischaracterized. It will be shown that these omissions and mischaracterizations were material, in that if the transactions were properly reported,

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the organization would more likely be scrutinized by the IRS or law enforcement and the organization's tax exempt status would be in jeopardy, meaning that it could be subject to taxation.

8. Finally, I believe that evidence of these violations will likely be found at 3800 S. Highway 99 in Ashland, Oregon.

## EVIDENCE

### BACKGROUND OF THE AL-HARAMAIN ISLAMIC FOUNDATION

9. The investigation has established that the Al Haramain Islamic Foundation (sometimes referred to herein as "AHIF" or "AHIF, Inc.") is one of Saudi Arabia's largest Non Governmental Organizations (NGOs) with offices throughout the world. AHIF's headquarters are in Riyadh, Saudi Arabia and its stated mission is to provide charitable services and Islamic education to people around the world. AHIF, Inc. appears to have first established its presence in the U.S. when Pete SEDA and Soliman ALBUTHE registered it with the Oregon Secretary of State as an assumed business name in October 1997. Oregon Secretary of State records show SEDA as the authorized representative of the organization with a principal place of business of 1257 Siskiyou Blvd. #224 in Ashland, Oregon.<sup>1</sup>

10. A document obtained during the investigation shows that in October 1997, the Al Haramain Islamic Foundation in Saudi Arabia appointed Soliman ALBUTHE true and lawful attorney in Al Haramain Foundation's name, place and stead. The document

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<sup>1</sup>1257 Siskiyou Blvd. in Ashland, Oregon is a private mail service known as the Mail Stop. A representative of the Mail Stop stated in an interview that SEDA and the Al Haramain Foundation lease private mail boxes from the Mail Stop.

appears to give ALBUTHE broad legal authority to act on the organization's behalf within the U.S. The document is signed by Aqueel Bin Abdel-Aziz Al-Aqueel, who I know was, until recently, the general manager of AHIF.

11. Jackson County Oregon Title company records show that, in December 1997, ALBUTHE purchased the property subject to this search warrant application at 3800 S. Highway 99 in Ashland, Oregon on behalf of the Al Haramain Islamic Foundation for approximately \$190,162.50. ALBUTHE'S bank records, Immigration Forms 94 (I-94's), and Currency Monetary Instrument Reports (CMIR's) show that between October and December of 1997, ALBUTHE brought into the U.S. from Saudi Arabia over \$206,000 in Visa Traveler's checks issued by the Al Rajhi Bank in Saudi Arabia, which he used to purchase 3800 S. Highway 99 in Ashland, Oregon.

12. I have observed the building located at 3800 S. Highway 99 in Ashland, Oregon and reviewed Jackson County Assessors records pertaining to the location. Based on Jackson County Assessors records, I know that 3800 S. Highway 99 is a one story residence built in 1973 with a basement and garage on the bottom level and a total of 4,157 livable square feet.

13. Documents provided by AHIF, Inc. to the IRS, as well as interviews conducted, indicate that 3800 S. Highway 99 was used by AHIF, Inc. to host prayer meetings and for the publication and distribution of Islamic books that deal with spiritual issues, including the distribution of Islamic books to prisoners. Information provided by AHIF, Inc.'s accountant shows 3800 S. Highway 99 appears to be the main facility in the U.S. in which AHIF, Inc. conducts its business activities. Information obtained from individuals familiar with the location indicates that SEDA also used 3800 S. Highway 99 as

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a personal residence for himself and his family until approximately February of 2003, when he departed the U.S. for Saudi Arabia. Individuals familiar with the location believe the use of 3800 S. Highway 99 as a prayer house ceased around the Spring of 2003.

14. In February 1999, the Al Haramain Islamic Foundation incorporated through the Oregon Secretary of State and listed its corporate address as 1257 Siskiyou Blvd #224 in Ashland, Oregon which, as stated above, is a private mail facility. Along with AHIF, Inc.'s application, the organization submitted its Articles of Incorporation. In its Articles of Incorporation, AHIF claims that the organization's purposes are:

The corporation is organized as a public benefit corporation exclusively for religious, humanitarian, educational, and charitable purposes as defined in Section 501 ( C) (3) of the Internal Revenue Code, and ORS 65.036 of the Oregon Revised Code.

The corporation shall not carry on any activities which are not permitted by the Internal Revenue Code for such corporations which are exempt from federal income tax and to which contributions are deductible for federal income tax purposes.

Al Haramain Islamic Foundation, Inc. stands against terrorism, injustice, or subversive activities in any form and shall not support any statement or acts of terrorism. Al Haramain Islamic Foundation, Inc. believes such conduct is contrary to Islamic principles.

15. AHIF, Inc.'s Articles of Incorporation in Oregon listed SEDA as the organization's registered agent and the following individuals as the organization's board of directors:

(a) Ageel Al-Ageel (Aqueel)



- (b) Mansour Al-Kadi
- (c) Soliman H.S. Al-Buthe (ALBUTHE)
- (d) Perouz Seda Ghaty (SEDA)

16. In June of 2000, AHIF, Inc. purchased property located at 2151 E. Division in Springfield, Missouri for \$378,291.74. Title company and bank records show that a large portion of the funds used for the purchase of 2151 E. Division came from an AHIF, Inc. bank account in Ashland, Oregon, which only SEDA and ALBUTHE control. Similar to the purchase of 3800 S. Highway 99 in Ashland, Oregon in 1997, bank records, Immigration Forms 94 (I-94's), and Currency Monetary Instrument Reports (CMIR's) show ALBUTHE brought most of the funds used to purchase 2151 E. Division, Springfield, Missouri into the U.S. with him from Saudi Arabia. These records show that in May of 2000, just before AHIF, Inc.'s purchase of the Springfield, Missouri property, ALBUTHE brought \$275,000 into the U.S. from Saudi Arabia. The \$275,000 brought into the U.S. by ALBUTHE consisted of American Express Traveler's checks issued by Al Rajhi Bank in Riyadh, Saudi Arabia. Bank records show these funds were deposited into a Bank of America account in Ashland, Oregon, in the name of AHIF, Inc., and then ultimately used for the purchase of 2151 E. Division in Springfield, Missouri. I know that Pete SEDA purchased a cashier's check in the amount of \$318,291.74 from Bank of America in Ashland, Oregon, made payable to First Escrow, Inc. This cashier's check was used to help purchase the property in Springfield, Missouri, and was bought with the traveler's checks brought into the U.S. by ALBUTHE.

17. Based on AHIF, Inc.'s claim that it was a public benefit corporation organized



exclusively for religious, humanitarian, educational, and charitable purposes, the IRS granted AHIF, Inc. tax-exempt status in December of 2000. IRS records show that on a Form 1023 *Application for Recognition of Exemption*, AHIF, Inc. listed their web site address as www.alharamain.org and provided the following information about the organization's governing body:

<u>Name</u>	<u>Address</u>	<u>Title of officer</u>
Ageel Al-Ageel	1257 Siskiyou Blvd. #212 Ashland, OR	President
Mansuor Al-Kadi	1257 Siskiyou Blvd. #212 Ashland, OR	Vice President
Soliman H.S. Al-Buthe	1257 Siskiyou Blvd. #212 Ashland, OR	Treasurer
Perouz Seda Ghaty	1257 Siskiyou Blvd. #224 Ashland, OR	Secretary

18. In June 2003, a grand jury subpoena was served on AHIF, Inc. in Oregon for books and records, based on an investigation concerning AHIF, Inc.'s tax returns.

Documents received pursuant to the subpoena served on AHIF, Inc. and

other information obtained during the investigation, show that in addition to being the President of AHIF, Inc. in Ashland, Oregon, Ageel Al-Ageel (aka Aqeel Abdul-Aziz Al-Aqeel or Aqueel Bin Abdel-Aziz Al-Aqueel) is the General Manager of Al Haramain Foundation, headquartered in the Kingdom of Saudi Arabia, Riyadh. The investigation concerning AHIF, Inc.'s tax returns and the results of the investigation to date is more fully described below.

#### RESULTS OF INVESTIGATION

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19. I have examined bank records relating to AHIF, Inc. Bank records show that on February 24, 2000, Mahmoud T El Feki wired \$149,985 to AHIF, Inc.'s Bank of America account number 2880311561 in Ashland, Oregon, from an account with the National Bank of Kuwait in London, England.

20. I have examined copies of e-mails received pursuant to a grand jury subpoena served on Al-Haramain in Oregon. In one e-mail, someone with an e-mail address of "s-elfeki" wrote in part "I have the pleasure [of] informing you that I have already asked my bank in London to make a transaction to your USA account, using the details provided in an earlier e-mail, as Zakat<sup>2</sup> in order to participate in your nobel support to our muslim brothers in Chychnia..." The author of this e-mail went on to state that the donation was made by "Dr. Mahmoud Talaat El-Fiki," and that he had a mailing address in Giza - Cairo, Egypt. The author of this e-mail also asked that a letter and e-mail be sent to him confirming the \$150,000 transaction.

21. Another document provided by AHIF, Inc., in Ashland, Oregon pursuant to the grand jury subpoena shows Al-Haramain's general manager, 'Aqeel Abdul-Aziz Al-'Aqeel, sent a letter dated February 21, 2000 stating in part:

"Dear Brother Dr. Mahmoud T. Al-Fiki, ... On behalf of Al-Haramain Foundation management and staff, I would like to thank you for your generous donation of \$150,000 (One hundred-fifty thousand dollars) as zakaat. We appreciate your trust in Al-Haramain Islamic Foundation and assure you of our

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<sup>2</sup>The term "Zakat" is defined in an Islamic glossary as the fourth of the five pillars of Islam, and is the obligatory alms or charity tax imposed on all practicing Muslims.

commitment to continue every possible effort to help ending the Chechnyan crisis".

This letter appears to bear the signature of Aqeel Abdul-Aziz Al-'Aqeel, the General Manager of Al-Haramain in Riyadh, Saudi Arabia.

22. I have learned from a non-governmental international terrorism consultant that Chechnya is a tiny North Caucasus province ethnically comprised of Turkic-Muslim people that has had a long history of Muslim-led guerilla resistance to European occupation, including a long struggle against Russian occupation. By the Spring of 1995, the Russo-Chechen conflict over the independence of Chechnya from Russia drew the attention of several well known Arab mujahideen<sup>3</sup> commanders. These Arab mujahideen commanders came to Chechnya because they believed there was a jihad occurring there and they saw an opportunity to defend the Muslim world against infidel aggression. By the end of 1996, it is estimated that the total number of foreign mujahideen in Chechnya reached as high as 700. According to some Russian officials, the Chechnyan mujahideen have received substantial funding from Islamic charities and Non Governmental Organizations.

23. The Washington Post published an article on the history behind the Chechen conflict in April of 2003, titled *How Jihad Made Its Way to Chechnya*. The article says that the goal of the Arabs who came to the Chechen region went beyond preserving Chechnya's freedom; they wanted to merge Chechnya and nearby Dagestan to create an

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<sup>3</sup>I was informed by an international terrorism consultant that the word mujahideen is used by some to describe themselves as "holy warriors" who engage in a physical struggle and/or armed conflict known as a jihad to confront "infidels", who are individuals who do not practice the religion of Islam.

Islamic state. The article goes on to say Russian intelligence officials estimate that over the past 3½ years, hundreds of Arab radicals fueled fighting in the Chechen conflict with their fervor and funds, which cost the lives of more than 4,500 Russian soldiers, thousands of rebels, and many civilians.

24. According to a December 2003 U.S. News and World Report article titled "The Saudi Connection," some Saudi charities are well integrated into the jihadist movement. The article states that U.S. officials have concluded that one of Saudi Arabia's largest charities, the Al-Haramain Foundation (Riyadh), was providing arms or cash to terrorists, including those in Indonesia, Pakistan, and Somalia. The article states that Russian officials suspect that in Chechnya, the AlHaramain Foundation moved \$1 million to the rebels and arranged the purchase of 500 heavy weapons from the Taliban.

25. Through the investigation, I know that at least six offices of the AlHaramain Foundation have been investigated for funding and providing other material and logistical support to Islamic mujahideen throughout the world, including Usama bin Laden's Al Qaida network. In March of 2002, the U.S. Department of Treasury, through the Office of Foreign Asset Control (OFAC), designated the Bosnia and Somalia offices of the AlHaramain Foundation as supporters of terrorism. In January of 2004, the Indonesia, Kenya, Tanzania, and Pakistan offices of the AlHaramain Foundation were jointly designated by the Kingdom of Saudi Arabia and the U.S. Department of Treasury, through the Office of Foreign Asset Control (OFAC), as supporters of terrorism. As a result of these designations, United States persons and/or property or interests within the United States are prohibited from engaging in transactions or dealings with these offices. In addition, in